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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,003	11/08/2005	Lukas Kupper	DE 030165	5022
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EXAMINER				
HOLLWEG, THOMAS A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/556,003

Applicant(s)

KUPPER ET AL.

Examiner

Thomas A. Hollweg

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 9/20/2007
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on September 20, 2007, is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. The following claims are objected to because of the following informalities:
- a. Claim 8, reference to "lamps" in the last line lacks antecedent basis.
 - b. Claim 10, the "convex lens elements" lack antecedent basis. For examination, it is assumed that this is a reference to the positive lens elements first referenced in claim 8.
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1, 2, 5 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Tiesler-Witting, U.S. Patent Application Publication No. 2003/0031026 A1.
5. With regard to claim 1, in figures 1, 1a, 2, & 2a, Tiesler-Witting discloses a lamp (10) for a motor vehicle headlight [0001] with a quartz bulb (16) immediately enclosing a light source (17), possibly with an outer bulb (20) enclosing said quartz bulb (16), and

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with two negative lenses (30) [0035] which extend in the direction of a longitudinal axis of the lamp (10) and which are present in or at two lateral surfaces of the quartz bulb (16) and/or the outer bulb (20), which surfaces are arranged so as to be horizontally mutually opposed in the incorporated state of the lamp (best shown in figs. 1, 2, & 2a), which lenses are constructed such that the light source (17) is optically reduced in size in at least one direction ([0040] the shift effect of the lens (30) is a result of at least a partial optical reduction in size of the light source (17)).

6. With regard to claim 2, in figures 1, 1a, 2, & 2a, Tiesler-Witting discloses that in that the lamp (10) is a gas discharge lamp (10) with a discharge arc (17), enclosed by the quartz bulb (16), serving as the light source (17) [0003, 0032, 0047].

7. With regard to claim 5, in figures 1, 1a, 2, & 2a, Tiesler-Witting discloses that in that a curvature of the respective negative lenses (30) each extends parallel to the longitudinal axis of the lamp (10) [0040].

8. With regard to claim 11, in figures 3 & 4, Tiesler-Witting discloses a motor vehicle headlight (40) with a lamp (10) as claimed in claim 1.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler-Witting as applied to claim 1 above, in view of Bergman et al., U.S. Patent No. 6,252,338

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B1. All of the limitations of claim 3 are disclosed by Tiesler-Witting, as discussed in the rejection of claim 1, except Tiesler-Witting does not expressly disclose at least one filament as the light source. In figure 2 Bergman teaches a lamp (17) for a motor vehicle headlight comprising at least one filament (18) as the light source (col. 3, lines 37-43).

11. At the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the Tiesler-Witting lamp comprising at least one filament as the light source, as taught by Bergman. Use of an incandescent light source with at least one filament is well known in the art, and is an excellent source of bright, color balanced light for illumination while driving.

12. Claim 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler-Witting as applied to claim 1 above, in view of itself.

13. With regard to claim 4, all of the limitations are disclosed by Tiesler-Witting, as discussed in the rejection of claim 1 above, except Tiesler-Witting does not expressly disclose that a curvature of the respective negative lenses extends transverse to the longitudinal axis of the lamp. However, Tiesler-Witting teaches that the purpose lens elements (30) is to optically alter the image of the light source in order to alter the light distribution properties of the light reflected and projected in front of a vehicle [0013-0016]. As taught by Tiesler-Witting, one having ordinary skill in the art would understand that a negative lens with curvature extending transverse to the longitudinal axis of the lamp could optically alter the image of the light source in a preferred way, to improve the light distribution properties of the lamp.

14. Therefore, at the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the lamp disclosed in Tiesler-Witting characterized in that a curvature of the respective negative lenses extends transverse to the longitudinal axis of the lamp, in order to optically alter the image of the light source so that the light distribution properties of the lamp are improved, as taught by Tiesler-Witting.

15. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler-Witting as applied to claim 1 above, in view of Muto et al., U.S. Patent No. 6,169,367 B1.

16. With regard to claim 6, all of the limitations are disclosed by Tiesler-Witting, as discussed in the rejection of claim 1 above, except Tiesler-Witting does not expressly disclose that the quartz bulb and/or the outer bulb comprise/comprises further lenses that adjoin the lateral lenses and that extend obliquely upwards and/or obliquely downwards.

17. Muto, in figure 2, teaches a lamp (1) for a motor vehicle headlight characterized in that the quartz bulb (2) comprises lenses (11c) that extend obliquely upwards and/or obliquely downwards (col. 3, lines 41-62). The purpose of these lenses is to alter the path of the light emitted from the light source to improve light distribution pattern of the headlight (col. 2, lines 10-45).

18. At the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the Tiesler-Witting lamp where the quartz bulb and/or the outer bulb comprise/comprises further lenses that adjoin the lateral lenses and that

extend obliquely upwards and/or obliquely downwards, as taught by Muto. With the addition of these two lenses, when the Tiesler-Witting lamp is operated (and rotated), the additional lenses would improve the light distribution of the lamp when the lamp is in the "first position" [0036], and therefore improve the overall light distribution pattern reflected and projected by the headlight [0035-0042].

19. With regard to claim 7, the modified lamp discussed in the rejection of claim 6 discloses all of the limitations of claim 7. Further, the modified lamp would have a quartz bulb and/or the outer bulb comprise/comprises an outer side that is polygonally shaped in cross-section in the region of the lateral surfaces.

20. With regard to claim 8, all of the limitations are disclosed by Tiesler-Witting, as discussed in the rejection of claim 1 above, except Tiesler-Witting does not expressly disclose that positive lens elements are arranged within the two lateral negative lenses in respective defined regions in relation to the longitudinal direction of the lamps.

21. Muto, in figure 2, teaches a lamp (1) for a motor vehicle headlight characterized in that positive lens elements (11c) arranged in respective defined regions in relation to the longitudinal direction of the lamp (col. 3, lines 41-62 & col. 4, lines 7-23). The purpose of these lenses is to alter the path of the light emitted from the light source to improve light distribution pattern of the headlight (col. 2, lines 10-45).

22. At the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the Tiesler-Witting lamp where positive lens elements are arranged within the two lateral negative lenses in respective defined regions in relation to the longitudinal direction of the lamp, as taught by as taught by Muto. With the

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addition of these two lenses, when the Tiesler-Witting lamp is operated (and rotated), the additional lenses would improve the light distribution of the lamp when the lamp is in the "first position" [0036], and therefore improve the overall light distribution pattern reflected and projected by the headlight [0035-0042].

23. With regard to claim 9, the modified lamp discussed in the rejection of claim 8 discloses all of the limitations of claim 9. Further, the modified lamp would have the positive lens elements that are rotationally symmetrical in shape.

24. With regard to claim 10, the modified lamp discussed in the rejection of claim 8 discloses all of the limitations of claim 9. Further, the modified lamp would have convex lens elements that are cylindrically symmetrically shaped with a cylinder axis of symmetry extending essentially at right angles to the longitudinal axis of the lamp.

Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Hollweg whose telephone number is (571) 270-1739. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm E.S.T..

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TH/

/Nimeshkumar Patel/
Supervisory Patent Examiner, Art Unit 2879